

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J. K., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

MELISSA KUCHARSKI,

Respondent-Appellant,

and

TRAVIS ENGLEHART,

Respondent.

UNPUBLISHED

March 1, 2002

No. 235602

Kent Circuit Court

Family Division

LC No. 99-051501-NA

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her son pursuant to MCL 712A.19b(3)(c)(ii) and (g).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the trial court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

¹ The trial court's order also terminated the parental rights of respondent Travis Englehart, the child's father. Englehart has not appealed the trial court's order.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. The evidence showed respondent was inattentive to her child's needs and made no concerted effort to redirect his behavior, that the child resisted interacting with respondent, and that respondent did not address her child's speech impairment. The trial court's findings that respondent had not bonded with or become attached to the child, that she was not making a concerted effort to improve the state of her relationship with the child, and that continuation of the status quo would have a permanent detrimental effect on the child were not clearly erroneous, notwithstanding the presentation of some evidence to the contrary. *Sours, supra*. The trial court did not clearly err in finding that clear and convincing evidence was presented to support termination of respondent's parental rights under MCL 712A.19b(3)(c)(ii) and (g). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCR 5.974(I); *Trejo, supra*.

The petition for permanent custody did not cite MCL 712A.19b(3)(c)(ii) as a ground for termination of respondent's parental rights; however, respondent had adequate notice of the statutory ground in order to defend against termination under that subsection. No due process violation occurred. *In re Perry*, 193 Mich App 648, 651; 484 NW2d 768 (1992).

Affirmed.

/s/ Richard A. Bandstra
/s/ William B. Murphy
/s/ Christopher M. Murray